

INTERFERENCE DIGEST

Interference No. 105,322

Paper No.

Name: Trevor G. Blease et al.

Serial No.: 10/824,644

Patent No.

Title: Free radical polymerization using acidified ethoxylated conjugated fatty ether surfactants

Filed: 04/15/04

Interference with Salter et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

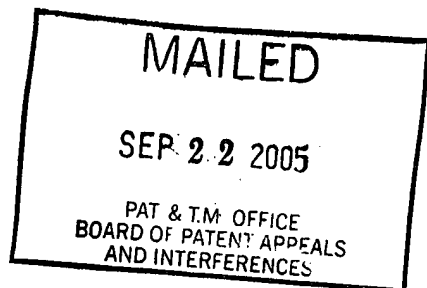
This should be placed in each application or patent involved in interference in addition to the interference letters.



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Judge Michael P. Tierney
Telephone: 571-272-9797
Facsimile: 571-273-0042



Applicants: BLEASE
Application No.: 10/824,644
Filed: 04/15/04
For: Free radical polymerization using acidified
ethoxylated conjugated fatty ether surfactants

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,322.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/ss/ Michael P. Tierney
MICHAEL P. TIERNEY
Administrative Patent Judge

Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-9797
Fax: 571-273-0042

Filed 22 September 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

TREVOR G. BLEASE AND JOHNY D. GRADE
Junior Party
(U.S. Application No. 10/824,644),

v.

ELIZABETH A. SALTER, PATRICK W. HOULIHAN,
MICHAEL A. BAJRASZEWSKI,
RODNEY W. PARR, AND KEITH MOODY
Senior Party
(U.S. Patent No. 6,590,030).

Patent Interference No. 105,322
(Technology Center 1700)

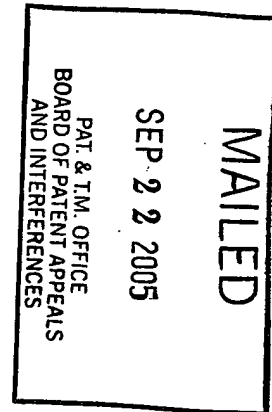
DECLARATION - Bd.R. 203(d)

Before Michael P. Tierney, Administrative Patent Judge.¹

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any),

¹As part of Board efforts under the Government Paperwork Elimination Act, signatures on papers originating from the Board are being phased out in favor of a completely electronic record. Consequently, in this case papers originating at the Board will not have signatures. The signature requirements for the parties have not changed. See, e.g., 37 C.F.R. § 10.18.



count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

Part B. Judge managing the interference

Administrative Patent Judge Michael P. Tierney has been designated to manage the interference. 37 CFR § 41.104(a) [Bd. R. 104(a)].

Part C. Standing order

A Trial Section STANDING ORDER [SO] accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for **10:00 a.m. on November 9, 2005** (the Board will initiate the call).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile (SO ¶ 4.5) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶ 26) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

A copy of default times for taking action during the preliminary motion phase of the interference accompanies the NOTICE DECLARING INTERFERENCE. Counsel should be prepared to justify altering the default times.

The Board is conducting an electronic filing and a DVD pilot project. Copies of the procedures are attached to this order. Counsel should be prepared to discuss participation in the electronic filing pilot project.

Part E. Identification and order of the parties

Junior Party

Named Inventors:	Trevor G. Blease, Stockton on Tees, United Kingdom Johny D. Grade, Meldert, Belgium
Application:	10/824,644, filed on April 15, 2004
Title:	Free Radical Polymerization Using Acidified Ethoxylated Conjugated Fatty Ether Surfactants
Assignee:	Imperial Chemical Industries, PLC
Accorded Benefit:	U.S. Application No. 10/123,527, filed April 17, 2002, now abandoned. U.S. Application No. 09/597,066, filed June 20, 2000, now abandoned PCT/GB98/03829, filed Dec. 18, 1998 U.K. Application No. 9726890.8, filed December 20, 1997

Senior Party

Named Inventors: Elizabeth A. Salter, Richmond, Australia
Patrick W. Houlihan, Wheelers, Australia
Michael A. Bajraszewski, Keilor East, Australia
Rodney W. Parr, Doncaster, Australia
Keith Moody, Watsonia North, Australia

Patent: 6,590,030, issued on July 8, 2003, based upon U.S.
Application No. 09/924,597, filed on August 9, 2001.

Title: Anionic Alkoxylate Surfactant From Conjugated Unsaturated
Alcohol

Assignee: Orica Australia, Pty Ltd

Accorded Benefit: U.S. Patent No. 6,335,314, which issued on January 1,
2002, from U.S. Application No. 09/485,186, filed March 21,
2000.

PCT/AU98/00620, filed August 6, 1998

Australian Application PO 8462, filed on August 8, 1997

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1). The senior party is responsible for initiating settlement discussions. SO ¶ 18.

Part F. Count and claims of the parties

Count 1

Subject matter that falls within the scope of both:

U.S. Patent No. 6,590,030 claim 1, and

U.S. Application No. 10/824,644 claim 14.

The claims of the parties are:

Salter:	U.S. Patent No. 6,590,030:	1-6
Blease:	U.S. Application No. 10/824,644:	14-29

The claims of the parties which correspond to Count 1 are:

Salter:	U.S. Patent No. 6,590,030:	1-6
Blease:	U.S. Application No. 10/824,644:	14-29

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Salter:	U.S. Patent No. 6,590,030:	None
Blease:	U.S. Application No. 10/824,644:	None

Part G. Heading to be used on papers

The heading in SO Form 1 must be used on all papers filed in this interference.

See SO ¶ 7.2.1. The administrative patent judge and parties must be indicated as follows:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Michael P. Tierney)

TREVOR G. BLEASE AND JOHNY D. GRADE
Junior Party
(U.S. Application No. 10/824,644),

v.

ELIZABETH A. SALTER, PATRICK W. HOULIHAN,
MICHAEL A. BAJRASZEWSKI,
RODNEY W. PARR, AND KEITH MOODY
Senior Party
(U.S. Patent No. 6,590,030).

Patent Interference No. 105,322
(Technology Center 1700)

Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Part E of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

Part I. Required paragraph for affidavits and declarations

The Board has recently experienced a rash of cases in which a witness has belatedly advanced reasons why he or she would be unable to appear for cross examination at a reasonable time and place in the United States. Consequently, the Board is requiring the following paragraph to be included on the signature page of all affidavits (including declarations) filed in this case to prevent surprise and hardship to the party relying on the testimony of the witness:

In signing this affidavit/declaration, I recognize that the affidavit/declaration will be filed as evidence in a contested case before the Board of Patent Appeals and Interferences of the United States Patent and Trademark Office. I also recognize that I may be subject to cross examination in the case and that cross examination will take place within the United States. If cross examination is required of me, I will appear for cross examination within the United States during the time allotted for cross examination.

Enc:

- (1) Copy of STANDING ORDER
- (2) Copy U.S. Patent 6,590,030
- (3) Copy of claims of U.S. Application 10/824,644
- (4) Copy of default time for taking action
- (5) Copy of procedures regarding electronic filing
- (6) Copy of procedures regarding DVD pilot project

Revised January 2005

cc (via overnight delivery):

Attorney for Salter:

Intellectual Property Group
Pillsbury Winthrop LLP
1600 Tysons Boulevard,
McLean, VA 22102

Attorney for Blease:

Paul L. Sharer
Mayer, Brown, Rowe & Maw LLP
1909 K Street, NW
Washington DC US 20006
Tel.: 202-263-3340
Fax: 202-263-3300